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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2671

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 11-16, 21, 31, 33, 34, 36, 37, 42-44, 47 and 48 are rejected under 35 U. S. C. 102(a) as being clearly anticipated by Otten, "Broadcasting Virtual Games in the Internet" (Otten).

a. Referring to claim 1, Otten discloses a spectator engine that aggregates selected game data with other data to provide spectator data, the game data varying as a function of at least one of contributions and interactions of at least one participant of an occurrence of the game or event, the other data including non-participant initiated interactive information based on use of the spectator experience (page 4, second full paragraph; choosing camera views, tracking favorite players and browsing complex game statistics are all examples of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program."); and a distribution system operative to provide a signal based on the spectator data that is

Art Unit: 2671

transformable into a representation of the spectator experience (Fig. 2; page 7, paragraph 2).

b. Referring to claim 2, Otten discloses the spectator engine further comprising viewing controls programmed to implement cinematographic features relative to spectator data (page 10, paragraph 3).

c. Referring to claim 11, Otten discloses a communications infrastructure that receives the signal from the distribution system, the communications infrastructure being operative to communicate encoded spectator information based on the signal, such that a recipient thereof can decode the spectator information and generate the representation of the spectator experience (Fig.2; page 7, paragraphs 2 and 3).

d. Referring to claim 12, Otten discloses the communications infrastructure employing at least one of a wired and wireless communications protocol (Fig. 2; Abstract).

e. Referring to claim 13, Otten discloses portions of the instance of the game or event and the spectator engine being implemented at different computers (Fig. 2).

f. Referring to claim 14, Otten discloses the occurrence of a game or event comprising an occurrence of a computer-mediated game or event (Abstract).

g. Referring to claim 15, Otten discloses means for receiving game data corresponding to an occurrence of the game or event (Fig. 2; page 6, paragraph 3); means for receiving non-participant initiated interactive information based indicative of use of the spectator experience (page 4, second full paragraph; choosing camera views, tracking favorite players and browsing complex game statistics are all examples of "interactive

Art Unit: 2671

information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program."); means, responsive to the game data, for aggregating the game data with the non-participant interactive information to provide spectator data, the spectator data transformable into a representation of the spectator experience for the occurrence of the game or event (page 4, second full paragraph; choosing camera views, tracking favorite players and browsing complex game statistics are all examples of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program.").

h. Referring to claim 16, Otten discloses means for dynamically selecting which of the game data and the spectator information is to be combined into the spectator data (page 6, paragraph 3).

i. Referring to claim 21, Otten discloses the game data corresponds to the occurrence of a computer-mediated game or event (Abstract).

Art Unit: 2671

- j. Referring to claim 31, Otten discloses a game server operative to communicate game data with at least one game client and provide a multiplayer experience for participants of an associated game (Fig. 2); a spectator server operative to receive the game data and provide spectator data for receipt by at least one spectator, the spectator data being derived from the game data and other data associated with at least one of the participants and non-participant initiated interactive data, the spectator data being transformable into a representation of the spectator experience by the at least one user (page 4, second full paragraph; choosing camera views, tracking favorite players and browsing complex game statistics are all examples of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program.").
- k. Referring to claim 33, Otten discloses the spectator server receiving feedback data based on the at least one spectator that receives the spectator data, the spectator data being updated according to the feedback (Fig. 4; page 10, paragraph 3).
- l. Referring to claim 34, Otten discloses the spectator server implementing viewing controls to enhance a graphical and functional features of the occurrence of the game being described by the spectator data (Fig. 4; page 10, paragraph 1).
- m. Claim 35 is rejected with the rationale of the rejection of claim 21.

Art Unit: 2671

n. Referring to claim 36, Otten discloses receiving game information corresponding to an occurrence of the game or event having at least one participant thereof and aggregating the selected portions of the game information and non-participant initiated interactive information to provide aggregated spectator data that is transformable into a representation of the spectator experience associated with the occurrence of the game or event (page 4, second full paragraph; choosing camera views, tracking favorite players and browsing complex game statistics are all examples of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program."). Otten also discloses selecting portions of the game information for incorporation into the spectator experience associated with the occurrence of the game or event (page 6, paragraph 3).

o. Referring to claim 37, Otten discloses receiving at least part of the other spectator-related information based on spectators of the spectator experience that are associated with the occurrence of the game or event (page 11, paragraph 3).

p. Referring to claim 42, Otten discloses implementing a virtual camera system associated with a plurality of different viewpoints and choosing a viewpoint for the spectator experience associated with the occurrence of the game or event based on the game information (page 10, paragraph 1).

Art Unit: 2671

- q. Referring to claim 43, Otten discloses the viewpoint further being chosen based on at least one of a preprogrammed camera control algorithm and a manual selection (page 10, paragraph 1).
- r. Referring to claim 44, Otten discloses the occurrence of a game or event corresponding to an occurrence of a computer-mediated game or event (Abstract).
- s. Referring to claim 47, Otten discloses receiving occurrence data indicative of an occurrence of a game or event running at a computer, the data varying as a function of time based on interactions of at least one participant of the occurrence of the game or event being implemented at the computer (Fig. 2; Abstract; page 6, paragraph 3); implementing viewing controls relative to the received data to provide enhanced data describing the occurrence of the game or event (page 10, paragraph 1); providing spectator data based on the enhanced data and non-participant initiated interactive information, the spectator data being transformable into a representation of the spectator experience of the occurrence of the game or event (page 4, second full paragraph; choosing camera views, tracking favorite players and browsing complex game statistics are all examples of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program.").

Art Unit: 2671

t. Referring to claim 48, Otten discloses receiving feedback data based on spectators that generate the representation of the spectator experience, the spectator data being provided based on the enhanced data and the feedback data, such that the representation of the spectator experience includes an indication of a spectator audience according to the feedback data (page 4, paragraph 3; page 10, paragraph 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claims 2 and 15 above, and further in view of U.S. Patent No. 6,325,717 to Kawagoe et al. (Kawagoe).

a. Referring to claim 3, Otten does not explicitly disclose a plurality of virtual cameras, each of the virtual cameras being operative to selectively animate associated portions of the spectator data, the virtual camera being selected based on the viewing controls. Kawagoe discloses a plurality of virtual cameras, each of the virtual cameras being operative to selectively animate associated portions of the spectator data (column 2, lines 1-3; Fig. 11), the virtual camera being selected based on the viewing controls (column 2, lines 5-7). At the time this invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by including a plurality of virtual cameras, the virtual camera being selected based on the viewing controls as

Art Unit: 2671

taught by Kawagoe. The suggestion/motivation for doing so would have been to provide a simple program that can process complicated camera movements (Kawagoe, column 3, lines 16-18).

b. Referring to claim 4, Otten does not explicitly disclose the viewing controls being programmed to select virtual cameras according to a camera selection algorithm.

Kawagoe discloses viewing controls being programmed to select virtual cameras according to a camera selection algorithm (column 2, lines 5-7).

c. Referring to claim 17, Otten does not explicitly disclose virtual camera means for dynamically selecting a spectator viewpoint according to a predefined camera selection algorithm, the spectator data being provided based on the selected viewpoint. Kawagoe discloses virtual camera means for dynamically selecting a spectator viewpoint according to a predefined camera selection algorithm, the spectator data being provided based on the selected viewpoint (column 2, lines 5-7).

d. Referring to claim 18, Otten discloses the virtual camera means selecting the operator viewpoint based on the received spectator information (page 4, paragraph 3; page 10; paragraphs 1-3).

5. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten in view of Kawagoe as applied to claims 3 and 17 above further in view of U. S. Patent No. 5,850,352 to Moezzi et al. (Moezzi).

a. Referring to claim 5, Otten does not explicitly disclose the selection of the virtual cameras being user selectable. However, Moezzi does explicitly disclose the selection of the virtual cameras being user selectable (column 4, lines 1-6). At the time this invention

Art Unit: 2671

was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by allowing the selection of the virtual cameras to be user selectable as taught by Moezzi. The suggestion/motivation for doing so would have been to allow the user to view the scene from the desired perspective (column 9, lines 54-55).

b. Referring to claim 19, Otten does not explicitly disclose selecting the viewpoint based on manual instructions provided to the virtual camera means. However, Moezzi does explicitly disclose manual instructions provided to the virtual camera means (column 4, lines 1-6).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claim 1 and further in view of Ham, "Half-Life: Spectator Tech" (Ham).

a. Referring to claim 6, Otten does not disclose an indication of a number of users associated with the spectator experience for the game or event. However, Ham discloses an indication of a number of users associated with the spectator experience for the game or event (page 2, paragraph 1). At the time this invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Otten by including an indication of a number of users associated with the spectator experience for the game or event as taught by Ham. The suggestion/motivation for doing so would have been to allow players to see what they are doing wrong and improve (Ham, page 2, paragraph 1).

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten in view of Ham as applied to claim 6 above, and further in view of U. S. Patent No. 5,926,179 to Matsuda et al. (Matsuda).

Art Unit: 2671

a. Referring to claim 7, Otten does not disclose providing the spectator experience with at least one of an audio and visual representation indicative of the number of spectator experience for the game or event. However, Matsuda discloses providing at least one of an audio and visual representation indicative of the number of spectators associated with the game or event (Fig. 39, bottom left of figure). At the time this invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Otten by providing at least one of an audio and visual representation indicative of the number of spectators associated with the game or event as taught by Matsuda. The suggestion/motivation for doing so would have been to indicate to the user the number of individuals involved in the interaction.

b. Referring to claim 8, Otten does not disclose providing the spectator experience with at least one of an audio and visual representation of previously associated users of the spectator experience for the game or event. However, Matsuda discloses providing the spectator experience with at least one of an audio and visual representation of previously associated users for the game or event (Fig.39).

8. Claims 9, 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claims 1 and 31, and further in view of U.S. Patent No. 6,352,479 to Sparks II et al. (Sparks II).

a. Referring to claim 9, Otten does not disclose communicating at least part of the spectator data to a portal programmed to post information based on the spectator data for substantially global access. However, Sparks II discloses communicating at least part of the spectator data to a portal programmed to post information based on the spectator data

Art Unit: 2671

for substantially global access (column 3, line 39 to column 4, line 3; Figs. 7, 8 and 10).

At the time this invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by communicating at least part of the spectator data to a portal programmed to post information as taught by Sparks II. the suggestion/motivation for doing so would have been to allow users to view game statistics.

b. Referring to claim 10, Otten does not disclose receiving spectator data from a plurality of spectator engines associates with other games or events and post information for each game or event. However, Sparks II discloses receiving spectator data from a plurality of spectator engines associated with other games or events and post information for each game or event (Fig. 7; column 4, lines 51-59).

c. Referring to claim 32, Otten does not disclose a portal that receives at least one of the game data and the spectator data, the portal being programmed to post information for substantially global access based on the at least one of the game data and the spectator data. However, Sparks II discloses a portal that receives at least one of the game data and the spectator data, the portal being programmed to post information for substantially global access based on the at least one of the game data and the spectator data (column 3, line 39 to column 4, line 3; Figs. 7, 8, and 10). At the time this invention was made, it would have been obvious to one having ordinary skill in the art to modify the system of Otten by including a portal programmed to post information for substantially global access as taught by Sparks II. The suggestion/motivation for doing so would have been to allow users to view game statistics.

Art Unit: 2671

9. Claims 20 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otten as applied to claims 15, 36, and 37 above, and further in view of Matsuda.

a. Referring to claim 20, Otten does not disclose the spectator data as including an indication of the spectators, such that the representation of the spectator experience for the occurrence of the game or event includes a representation of a spectator audience. However, Matsuda discloses including a representation of the audience (Fig. 39, bottom left of figure). At the time this invention was made, it would have been obvious to one of ordinary skill in the art to modify the system of Otten by including a representation of the audience as taught by Matsuda. The suggestion/motivation for doing so would have been to indicate to the user the number of people involved in the interaction.

b. Referring to claim 38, Otten does not disclose including an indication of a number of spectators using the spectator experience associated with the occurrence of the game or event. However, Matsuda discloses including an indication of a number of spectators using the spectator experience associated with the occurrence of the game or event (Fig. 39, bottom left of figure).

c. Claim 39 is rejected with the rationale of the rejection of claim 38.

d. Referring to claim 40, Otten does not disclose providing an indication of the number of spectators in the aggregated spectator data so that users of spectator experience associated with the occurrence of the game or event can perceive a presence of a spectator audience based on the indication of the number of spectators. However, Matsuda discloses providing an indication of the number of spectators can perceive a presence of a

Art Unit: 2671

spectator audience based on the indication of the number of spectators (Fig. 39, bottom left of figure). At the time this invention was made, it would have been obvious to include the number of spectators in the aggregated spectator data because it would allow the data to be distributed to all the clients.

e. Referring to claim 41, Otten does not disclose identifying identities of spectators to those spectators that have been associated with each other by identifying characteristics. However, Matsuda discloses identifying identities of spectators to those spectators that have been associated with each other by identifying characteristics (Fig. 39).

10. Claims 22-24, 27-30, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II in view of GibStats.

a. Referring to claim 22, Sparks II discloses a collection system operative to aggregate gaming data based on an occurrence of the at least one game or event with non-participant initiated interactive data (column 3, lines 39-66; keeping track of statistics for each game player is an example of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program."); a graphical user interface which provides information about the occurrence (Fig.7; column 4, lines 52-59); and a user interface element implemented within the

Art Unit: 2671

graphical user interface and operatively associated with the at least one occurrence, the user interface element operative to direct a user of the portal to the location in response to activation of the user interface element (column 6, lines 35-48). However, Sparks II does not disclose a user interface element identifying a location of a spectator experience. This element is disclosed by Gibstats (pages 8 and 9). At the time this invention was made, it would have been obvious to a person of ordinary skill in the art to modify the portal of Sparks II by including a user interface element identifying a location of a spectator experience as taught by Gibstats. The suggestion/motivation for doing so would be to associate game play statistics with the map or level in which the statistics were generated.

- b. Claim 23 is rejected with the rationale of the rejection of claim 22.
- c. Referring to claim 24, Sparks II discloses the graphical user interface providing information about each of the occurrences based on participation and spectator activity relating to each of the respective occurrences (Figs. 7 and 10; column 3, lines 39-65; column 7, lines 52-59).
- d. Referring to claim 27, Sparks II discloses each of the occurrences comprising an indication of a number of participants of the each of the occurrences (Fig. 7; column 4, lines 52-59).
- e. Referring to claim 28, Sparks II discloses the information about each of the occurrences comprising an indication of an identity for at least some of the participants of each respective occurrence (Fig. 10; column 3, lines 39-65).
- f. Referring to claim 29, Sparks II does not disclose information about each of the occurrences further comprising at least one of graphical and audio data derived

Art Unit: 2671

based on at least part of the respective occurrences. However, Gibstats discloses information about each of the occurrences further comprising at least one of graphical and audio data derived based on at least part of the respective occurrences (page 3, paragraph 1).

g. Referring to claim 30, Sparks II does not explicitly disclose wherein the gaming data corresponds to the occurrence of a computer-mediated game or event. However, Gibstats discloses wherein the gaming data corresponds to the occurrence of a computer-mediated game or event (page 1, paragraph 1).

h. Referring to claim 45, Sparks II discloses means for aggregating game data associated with an occurrence of the at least one game or event and non-participant initiated interactive information (column 3, lines 39-66; keeping track of statistics for each game player is an example of "interactive information based on use of the spectator experience" because both Otten and the applicants disclose a spectator engine that runs an "interactive program", and the Microsoft Computer Dictionary defines an interactive program as "a program that exchanges output and input with the user, who typically views a display of some sort and uses an input device, such as a keyboard, mouse or joystick, to provide responses to the program. A computer game is an interactive program."); means for displaying information about the occurrence (Fig. 7; column 4, lines 52-59); means for directing a user of the portal to the location of the spectator experience associated with the occurrence in response to the user selecting the means associated with the displayed information (column 6, lines 35-48). Sparks II does not explicitly disclose means associated with the displayed information for identifying a

Art Unit: 2671

location of the spectator experience associated with the occurrence. However, Gibstats discloses means associated with the displayed information for identifying a location of the spectator experience associated with the occurrence (pages 8 and 9).

i. Claim 46 is rejected with the rationale of the rejection of claim 22.

11. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II in view of Gibstats as applied to claim 24 above in view of Matsuda.

a. Referring to claim 25, Sparks II does not disclose the information about each of the occurrences including an indication of a number of spectators. However, Matsuda discloses the information about each of the occurrences including an indication of a number of spectators (Fig. 39). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the portal of Sparks by including an indication of a number of spectators as taught by Matsuda. The suggestion/motivation for doing so would have been to indicate to the user the number of people involved in the interaction.

b. Referring to claim 26, Sparks II does not disclose information about each of the occurrences comprising identifying characteristics operative to identify at least one spectator to other spectators that have been previously associated with each other by the identifying characteristics. However, Matsuda discloses information comprising identifying characteristics operative to identify at least one spectator to other spectators that have been previously associated with each other by the identifying characteristics (Fig. 39).

Response to Remarks

Art Unit: 2671

12. The examiner appreciates the applicants' attempt to amend the claims based on his guidance as provided in the interview on 29 September 2004. However, the examiner overlooked the idea that "interactive information" has a certain meaning to a person skilled in the art (interaction with a computer), as revealed by the Microsoft Computer Dictionary, that is not the applicants' intent (interaction with other non-participating spectators in the game). MPEP 2111.01, Note III (Rev.2, May 2004), supports the right of applicants to "be their own lexicographer, and rebut the presumption that claim terms are to be given their ordinary and customary meaning" (i.e., the meaning given to the term by those of ordinary skill in the art), but in order to do so they must "clearly [set] forth a definition of the term that is different from its ordinary and customary meanings." Therefore, the claims need to be drafted to distinguish the applicants' meaning of "interactive information" from the meaning of "interactive information" assumed by those of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the Office should be directed to the examiner, Lance Sealey, whose telephone number is (571) 272-7649. He can be reached from 7:00 am-3:30 pm Monday-Friday EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (571) 272-7653.

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Art Unit: 2671

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A handwritten signature in black ink, appearing to read "Mark Zimmerman", with a long horizontal flourish extending to the right.

MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600